

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STEVEN CHRISTOPHER GAZLAY,

Petitioner,

vs.

DOUGLAS C. GILLESPIE, et al.,

Respondents.

Case No. 2:14-cv-00184-APG-GWF

ORDER

Petitioner has paid the filing fee. The court has reviewed his pre-trial petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, and the court denies the petition.

At the time petitioner commenced this action, he was a pre-trial detainee in the Clark County Detention Center. In ground 1, he claims that he is being denied pre-trial bail in violation of the Eighth Amendment. In ground 2, he claims that the denial of pre-trial bail violates the Fourteenth Amendment's guarantee of due process. The court takes judicial notice of the docket of the Eighth Judicial District Court of the State of Nevada in *State v. Gazlay*, No. C-13-291842-1.¹ The court also takes judicial notice of the docket of the Nevada Supreme Court in *Gazlay v. State*, No. 66105.² On June 27, 2014, the state district court entered a judgment of conviction against petitioner. On July 16, 2014, petitioner filed a notice of appeal in the state district court, and the

¹<https://www.clarkcountycourts.us/Anonymous/CaseDetail.aspx?CaseID=11103346> (report generated August 8, 2014).

²<http://caseinfo.nvsupremecourt.us/public/caseView.do?csIID=34302> (report generated August 8, 2014).

1 Nevada Supreme Court received it on July 18, 2014. The direct appeal now is pending in the
2 Nevada Supreme Court. Petitioner's grounds regarding the denial of pre-trial bail now are moot
3 because he has been convicted, and the court cannot grant him any relief. *Murphy v. Hunt*, 455 U.S.
4 478, 481-82 (1982).

5 To appeal the denial of a petition for a writ of habeas corpus, Petitioner must obtain a
6 certificate of appealability, after making a "substantial showing of the denial of a constitutional
7 right." 28 U.S.C. §2253(c).

8 Where a district court has rejected the constitutional claims on the merits, the showing
9 required to satisfy §2253(c) is straightforward: The petitioner must demonstrate that
10 reasonable jurists would find the district court's assessment of the constitutional claims
debatable or wrong.

11 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *see also James v. Giles*, 221 F.3d 1074, 1077-79 (9th
12 Cir. 2000). Reasonable jurists would not find this court's conclusion to be debatable or wrong, and
13 the court will not issue a certificate of appealability.

14 **IT IS THEREFORE ORDERED** that the clerk of the court file the petition for a writ of
15 habeas corpus pursuant to 28 U.S.C. § 2241.

16 **IT IS FURTHER ORDERED** that the the petition for a writ of habeas corpus pursuant to
17 28 U.S.C. § 2241 is **DENIED**. The clerk of the court shall enter judgment accordingly.

18 **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**.

19 Dated: August 11, 2014.

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22 ANDREW P. GORDON
23 UNITED STATES DISTRICT JUDGE
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